

Town Board Minutes

**Meeting
No. 27**

Regular Meeting

August 18, 1997

MEETINGS TO DATE 28
NO. OF REGULARS 16
NO. OF SPECIALS 12

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LANCASTER, NEW YORK
AUGUST 18, 1997

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 18th day of August, 1997 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES

PERSONS ADDRESSING TOWN BOARD:

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matter:
Requested more detail on prefiled resolution number eleven.

Johnson, Angela, 277 Ransom Road, spoke to the Town Board on the following matter:
Requested a reduction in the speed limit on Ransom Road.

Ellmore, Gary, 274 Ransom Road spoke to the Town Board on the following matter:
Requested a reduction in the speed limit on Ransom Road.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- Asked for a detailed explanation of proposed suspended resolution number fourteen.
- Asked about County van for senior services.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Asked questions about prefiled resolutions numbers two, seven and thirteen.
- Commented on communications numbers 543 and 553.
- Present status on Moe vs Town of Lancaster.
- Asked to be notified before a Certificate of Occupancy is issued for premises at 82 Stony Rd.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER MILLER TO WIT:

RESOLVED, that the minutes from Joint Meeting of the Town Board and the Planning Board held on August 4, 1997, and the Regular Meeting of the Town Board held on August 4, 1997, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER, TO WIT:

WHEREAS, Martin A. Rothschild, 48 Shire South, East Amherst, New York 14051,
has applied for a Dumping Permit for property situated at Bowen Road, 150 yards south of Broadway,
within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town
Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review
and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Martin A. Rothschild, 48 Shire South, East Amherst, New York be
and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within
the Town of Lancaster, namely on premises owned by the applicant at Bowen Road, 150 yards south
of Broadway, Lancaster, New York 14086, said dumping to be in strict conformance with the
application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the
recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, or broken concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should also be aware that if he intends to build on any filled area, bore samples along with a structural engineer's report will be required prior to the issuance of a building permit.
3. Height of fill shall be limited to grades as shown on prior approved development plans and grade stakes for the fill area shall be provided.
4. Filled area to be top soiled, seeded and graded upon completion.
5. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
6. Mud from truck tires shall be cleaned off the road at the completion of operations for that day and more frequently if deemed necessary. The Town of Lancaster police shall stop operation immediately upon complaint of dirty road.

7. No dumping shall take place within 100' of the Wetland as determined and flagged in the field.
8. Dumping will be allowed between the hours of 7:00 AM and 5:00 PM, Monday through Saturday. No dumping shall be allowed on Sunday.
9. Dust from the site shall also be prevented from migrating off site.
10. Temporary swales and/or ditches shall be established during filling to prevent ponding water.
11. Existing trees and stumps in proposed fill areas shall be removed from the site and disposed of properly.
12. Improper material, such as junk vehicles, stumps, brush, etc., presently on the site, shall be removed and disposed of properly.
13. A flagman shall be on site when dumping is occurring.

and.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

August 18, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, M.A. Tufillaro, P.O. Box 1275, Williamsville, New York has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Queen's Park Subdivision, Phase II, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Queen's Park Subdivision, Phase II, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

- P.I.P. No. 466 - Pavement and Curbs
- P.I.P. No. 467 - Water Line
- P.I.P. No. 468 - Storm Sewers

conditioned, however, upon the following:

1. **Receipt by the Town Clerk**, within 60 days, of an "Application For Permit To Construct A Public Improvement" for both street lights and sidewalks within this subdivision said application encompassing the area of the Public Improvements accepted herein, or greater area at the option of the developer.
2. **Receipt by the Town Clerk**, within 60 days, of deeds, easements title report, title insurance and bill of sale to the improvements for the property conveyed to the Town of Lancaster.
3. **Receipt by the Town Clerk**, within 60 days, of maintenance bonds for each of the improvements accepted herein in the principal amount of 25% of the value of the improvements accepted. The bonds shall run for a term of two years commencing with the date of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 60 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to
a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter
dated August 12, 1997, has requested the addition of three members to the active roster of said
fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the
additions to the membership of the Twin District Volunteer Fire Company, Inc. of the following
individuals:

ADDITIONS

Jennifer Stachowiak
36 Garfield Avenue
Lancaster, New York 14086

Patrick McHenry
8B Slatebottom Drive
Depew, New York 14043

Gina Chellino
36 Garfield Avenue
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, M.A. Tuffillaro Builders, Inc., P.O. Box 1275, Williamsville, New York 14231-1275, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Queen's Park Subdivision, Phase II, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 475 of M.A. Tuffillaro Builders, Inc., P.O. Box 1275, Williamsville, New York, for the installation of:

P.I.P. No. 475 - install 4' wide concrete sidewalk along Michael Anthony Lane
(Street Lights)

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

File: RPIP (P10)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

RESOLVED, that the resolution adopted by the Town Board of the Town of
Lancaster on August 4, 1997, as it relates to the 1997 salary of David Mazur, be and is hereby
amended to read as follows:

"RESOLVED, that the 1997 salary of **DAVID MAZUR** be and is hereby set
at \$30,176.00 as set forth in the Schedule of Salaries adopted by the Town Board on January 1,
1997."

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

WHEREAS, the Director of Parks, Senior Facilities and Buildings and Grounds
of the Town of Lancaster has requested the purchase of Three Hundred (300) Tons of MAR-CO
CLAY for use in the various Town of Lancaster Parks, and

WHEREAS, the Recreation Committee of the Town Board recommends that
such purchase be authorized;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That bids be received by the Town Clerk on September 2, 1997 at 10:00
o'clock A.M., Local Time, for the purpose of purchasing Three Hundred (300) tons of MAR-
CO CLAY for the use of the Department of Parks, Senior Facilities and Buildings and Grounds
of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office,
and

2. That the Town Clerk be and is hereby authorized to place a Notice to
Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be
in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

File: rntbdrec

LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT-MR. OIL CHANGE.
5123 TRANSIT ROAD, TOWN OF LANCASTER

*Duplicate
of Page 578*

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) "Commercial Motor Service District" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 18th day of August, 1997, the said Town Board will hold a Public Hearing on the 2nd day of September, 1997, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of JAMES L. BUSSHART, President of Mr. Oil Change, for a Special Use Permit for the purpose of conducting New York State Motor Vehicle Inspections on premises locally known as 5123 Transit Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By:: ROBERT P. THILL
Town Clerk

August 18, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, JAMES L. BUSSHART, President of **MR. OIL CHANGE**, the owner of property located at 5123 Transit Road, Lancaster, New York, has submitted an application for a Special Use Permit for performing New York State Motor Vehicle Inspections on said property in accordance with provisions of Chapter 50-Zoning, Section 20 (B) of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B), entitled "Commercial Motor Service District" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for performing New York State Motor Vehicle Inspections on premises locally known as 5123 Transit Road in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 2nd day of September, 1997, at 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

File: rsuph.997

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT-MR. OIL CHANGE.
5123 TRANSIT ROAD, TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) "Commercial Motor Service District" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 18th day of August, 1997, the said Town Board will hold a Public Hearing on the 2nd day of September, 1997, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of JAMES L. BUSSHART, President of Mr. Oil Change, for a Special Use Permit for the purpose of conducting New York State Motor Vehicle Inspections on premises locally known as 5123 Transit Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By:: **ROBERT P. THILL**
Town Clerk

August 18, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK . WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK . TO WIT:

WHEREAS, Article 8 of the Environmental Conservation Law of the State of New York and the Rules and Regulations as adopted pursuant to 6 NYCRR Part 617 (14) (g) State Environmental Quality Review Act (SEQRA) provide the authority for a local agency to designate a specific geographic area within its boundaries as a Critical Environmental Area (CEA), and

WHEREAS, the Town Board of the Town of Lancaster has given due consideration to the designation of a Critical Environmental Area (CEA) within a portion of the Town south of William Street in the vicinity of Penora Street as more particularly hereinafter described, and

WHEREAS, the Town Board deems the area under consideration to have an exceptional or unique character which is:

- (1) a benefit to human health, and
- (2) a natural setting with woods, vegetation and wildlife habitat which serves as an open space with important aesthetic qualities.

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:45 o'clock, P.M., Local Time, on the 2nd day of September, 1997 on the proposed designation of a Critical Environmental Area (CEA) pursuant to the authority set forth in the Environmental Conservation Law of the State of New York and 6NYCRR. Part 617 (14) (g), State Environmental Quality Review Act for a geographic area of the Town of Lancaster, within a portion of the Town south of William Street in the vicinity of Penora Street, and that notice of said public hearing shall be published in the Lancaster Bee, a newspaper of general publication in said Town, on August 21, 1997, in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

File: rpnwdcea

**LEGAL NOTICE
PUBLIC HEARING
CRITICAL ENVIRONMENTAL AREA
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:45 o'clock P. M., Local Time, on the 2nd day of September, 1997, on the proposed designation of a Critical Environmental Area (CEA) pursuant to the authority set forth in the Environmental Conservation Law of the State of New York and 6NYCRR, Part 617 (g), State Environmental Review Act for a geographic area of the Town of Lancaster, within a portion of the Town of Lancaster south of William Street in the vicinity of Penora Street, further described as follows:

ALL THAT TRACT OR PARCEL OF LAND being part of Lots 92 and 95, Township 10, Range 6, of the Holland Land Survey, Erie County, New York, and being more accurately described as follows:

BEGINNING at a point on the south right-of-way of William Street, being 49.5 feet wide, and the east right-of-way line of a paper street known as Ducey Street, being fifty (50) feet wide;

THENCE southerly for a distance of One Hundred Thirty-four and Two Tenths (134.2) feet along the east right-of-way of Ducey Street to a point being the northwest corner of SBL 115.18-6-20, said point being the point of commencement;

THENCE easterly for a distance of One Hundred Thirty (130) feet along the north line of SBL 115.18-6-20 to a point;

THENCE southerly for a distance of One Hundred Fifty (150) feet to a point being the southwest corner of SBL 115.18-6-6;

THENCE easterly for a distance of One Hundred Fifty-five (155) feet and along the south line of SBL 115.18-6-6 and across a paper street known as Halstead Street to a point along the west line of SBL 115.18-7-1;

THENCE southerly and along the west line of SBL 115.18-7-1 and the east boundary line of Willow Ridge Subdivision (MC 2592) for a distance of Five Hundred Seventy (570) feet to a point on the north line of Woodgate Subdivision (MC 2610);

THENCE westerly along this north line for a distance of One Thousand Three Hundred Twenty (1320) feet to a point, being the northwest corner of Woodgate Subdivision;

THENCE southerly along the west boundary of Woodgate Subdivision for a distance of Six Hundred Eighty-seven (687) feet to a point being the southwest corner of the Woodgate Subdivision;

THENCE westerly for a distance of Four Hundred Fifty-eight and Thirty-seven Hundredths (458.37) feet, said line being the south line of SBL 115.18-2-11, SBL 115.18-1-21 & 22 to a point;

THENCE northerly for a distance of One Thousand Two Hundred Eighty-seven (1,287) feet to a point, said point being the northwest corner of SBL 115.18-1-32.1;

THENCE easterly for a distance of Three Hundred Twenty-eight (328) feet along the north line of SBL 115.18-1-32.1 and 5 and across a paper street known as Penora Street (50' wide) to a point on the east right-of-way of Penora Street;

THENCE northerly for a distance of One Hundred Twenty (120) feet and along the frontage of SBL 115.18-2-23 & 24 to a point;

THENCE easterly for a distance of One Hundred Twenty-five (125) feet along the north line of SBL 115.18-2-24 to a point being on the northeast corner of SBL 115.18-2-24;

THENCE southerly for a distance of Two Hundred Seventy (270) feet and along the west line of SBL 115.18-2-5 & 6 to a point;

THENCE easterly for a distance of One Hundred Sixty-five (165) feet along the south line of SBL 115.18-2-6 and across a paper street known as Miller Street (50 feet wide) to a point on the east right-of-way of Miller Street;

THENCE northerly for a distance of Ninety (90) feet and along the frontage of SBL 115.18-3-15 to a point;

THENCE easterly for a distance of One Hundred Twenty (120) feet along the north line of SBL 115.18-3-15 to a point;

THENCE northerly for a distance of One Hundred Eighty (180) feet along the west line of SBL 115.18-3-6 & 7 to a point;

THENCE easterly for a distance of Five Hundred Eighty (580) feet along the north line of SBL 115.18-3-6 across a paper street known as McKinley Street (50 feet wide), the north line of SBL 115.18-5 & 18, across a paper street known as West Street (50 feet wide) and the north line of SBL 115.18-5-8 to a point;

THENCE southerly for a distance of Three Hundred (300) feet along the West Line of SBL 115.18-5-3 to a point;

THENCE easterly for a distance of One Hundred Seventy (170) along the south line of SBL 115.18-5-3 and across a paper street known as Ducey Street (50 feet wide) to a point on the east right-of-way of Ducey Street;

THENCE northerly for a distance of Three Hundred (300) feet along the east right-of-way of Ducey Street to the point of commencement;

THENCE northerly for a distance of One Hundred Thirty-four and Two Tenths (134.2) feet along the east right-of-way of Ducey Street to the Point of Beginning. Said point being on the south right-of-way of William Street.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

August 18, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the BELLA VISTA GROUP, 6495 Transit Road, Bowmansville, New York 14026 has submitted a Site Plan received July 11, 1997 for the construction of an oil change facility (No Bull Oil Change) on property located on the east side of Transit Road, south of William Street and locally known as 4885 Transit Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and by letter dated August 10, 1997, recommended approval of this project, subject to certain conditions, and

WHEREAS, a SEQR review was held on this project on May 19, 1997, and a Negative Declaration was issued at that time:

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by the BELLA VISTA GROUP, for construction of an oil change facility (No Bull Oil Change) on property located on the east side of Transit Road, south of William Street and locally known as 4885 Transit Road in the Town of Lancaster, with plan prepared by John W. Kocik, Engineer, and received July 11, 1997, subject to the following condition:

-- Developer must show how they plan to connect to adjacent businesses, other than Transit Road.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

File: rasite.897.1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Wm. Schutt & Associates, P.C., 5360 Genesee Street,
Bowmansville, New York 14026, Agent for the National Tire and Battery Store, has submitted
a Site Plan dated July 23, 1997 and received July 25, 1997, for the construction of a National
Tire and Battery Store facility on property located on the east side of Transit Road, south of
Wehrle Drive and locally known as 6705 Transit Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and by letter dated
August 10, 1997, recommended approval of this project, subject to certain conditions, and

WHEREAS, a SEQR review was held on this project on May 19, 1997, and a
Negative Declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the
Site Plan prepared and submitted by Wm. Schutt & Associates, P.C., dated July 23, 1997 and
received July 25, 1997, for construction of a National Tire and Battery Store on property
located on the east side of Transit Road, south of Wehrle Drive and locally known as 6705
Transit Road in the Town of Lancaster, subject to the following conditions:

- Receipt of variances for side yard setbacks on north and
south sides; and
- All tires must be stored indoors at all times.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

File: rasite2.897

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK. TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 15389 to Claim No. 15719 Inclusive

Total amount hereby authorized to be paid: **\$644,380.17**

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK , WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER STEMPNIAK , TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby
 approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
 waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

<u>No.</u>	<u>Code Applicant</u>	<u>Street Address</u>	<u>Structure</u>
4431	M Sebastiano & Sons	5096 William St	Er. Garage
4432	Custom Homes by Walter	16 Village View	Er. Sin. Dwlg
4433	Robert Stack	75 Tomahawk Tr	Er. Shed
4434	Dennis Majewicz	22 Lake Fst Pkwy E	Er. Deck
4435	Sean M Shepard	33 Stream View Ln	Er. Shed
4436	Majestic Pools Inc	176 Enchanted Fst S	Er. Fence/Pool
4437	Thompson Enterprises	1 Windcroft Ln	Ex. Sin. Dwlg
4438	Patricia Kowalski	38 Hill Valley Dr	Er. Pool
4439	Joseph Catalano	75 Williamsburg Ln	Er. Deck
4440	Thomas Ross	12 Ryan St	Er. Sin. Dwlg
4441	All Craft Inc	4 Hedge Ln	Er. Dbl. Dwlg
4442	Restore Gen Cons	52 Williamsburg Ln R	Repair. Fire Damage
4443	Carrie Bielat	294 Ransom Rd	Er. Garage
4444	Adams Nurseries Inc	333 Stony Rd	Er. Fence
4445	Gary Sieber	9 Greenmeadow Dr	Er. Shed
4446	Cesar Marchioli	77 Old Post Rd	Er. Fence
4447	Nathan Zimmerman	15 Bridlepath Ln	Er. Deck
4448	Nathan Zimmerman	8 Hillside Pkwy	Er. Deck
4449	Joseph Stearns	933 Ransom Rd	Er. Storage Bldg
4450	Michelle Dean	1 Schiffler Ct	Er. Deck
4451	Cheryl Locke	2 Primrose Ln	Er. Shed
4452	David Murphy	45 Signal Dr	Er. Deck

4453	All Craft Inc	5 Bridgewater Ct	Er. Sin. Dwlg
4454	Iona Associates Inc	24 Hill Valley Dr	Er. Sin. Dwlg
4455	Raymond Suttell	5118 William St	Er. Gazebo
4456	David Stotz	24 Windsor Ridge	Er. Fence
4457	Kathy Zika	210 Peppermint Rd	Ex. Sin. Dwlg
4458	Santoro Signs Inc	5849 Broadway	Er. Sign
4459	Shawn Browne	11 Traceway	Er. Fence
4460	Marrano/Marc Equity	46 Woodgate Dr	Er. Sin. Dwlg
4461	Marrano/Marc Equity	28 Woodgate Dr	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

File: Rbldg2

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, by letter dated August 18, 1997, the Town Board of the Town of Lancaster has been advised by Town of Lancaster Industrial Development Agency (LIDA) that certain deeds dated April 24, 1997, in the Erie County Clerk's Office in Liber 10915, Page 3273 and Liber 10915, Page 3276 on said date have erroneously conveyed certain property held by LIDA from the Uniland Project on Walden Avenue to the Town of Lancaster, and

WHEREAS, there is a need to correct these erroneous conveyances by deeding the properties in question from the Town, back to LIDA;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute the necessary deeds correcting the erroneous conveyances of the beforementioned property from LIDA to the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 18, 1997

File: rlida

COMMUNICATIONS:

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- 532. Receiver of Taxes to Town Board -
Transmittal of sixth settlement payment re: 1997 County/Town tax warrant. DISPOSITION: Received & Filed
- 533. NYS Assemblywoman Sandra Lee Wirth to Council Member Montour -
Response to letter re: failure of Lancaster School Budget. DISPOSITION: Received & Filed
- 534. Council Member Montour to Joseph Juszcak -
Genesee St./Investigation report re: inquiry dated 4/30/96. DISPOSITION: Received & Filed
- 535. Marilla Town Clerk to Town Clerk -
Transmittal of Legal Notice setting public hearing on 8/16/97 re: amendment to Town's Zoning Ordinance. DISPOSITION: Received & Filed
- 536. Town Clerk to Supervisor -
Monthly report for July 1997. DISPOSITION: Received & Filed
- 537. Fairwood Management to Town Board -
Request action re: drainage problem in rear of 284 Miller St. and drainage problem at the southwest corner of Eastwood Village and directly south of the Flix retention pond. DISPOSITION: Drainage Committee. Town Engineer
- 538. PERMA to Safety Coordinator -
Comments re: meetings held 6/2 and 6/23/97. DISPOSITION: Received & Filed
- 539. Town of Hamburg Assessor and Town Attorney to Town Attorney -
Notice of meeting to be held 8/12/97 re: proposals concerning litigation expenses connected with Article 7 Proceedings. DISPOSITION: Received & Filed
- 540. Hillview Baptist Church to Supervisor -
Notification of congregations's approval of use of church parking lot by picketers. DISPOSITION: Received & Filed
- 541. Assoc. Of Erie County Governments to Supervisor -
Notice of meeting to be held 8/28/97 in Tonawanda. DISPOSITION: Received & Filed
- 542. Town Clerk to Town Board -
Notification that revised site plan of Hollywood Video **was not** accompanied by fee or application for a site plan. DISPOSITION: Planning Committee
- 543. Town Clerk to Town Board -
Statement of facts relative to Roy Schneggenburger's statement at Town Board meeting of 8/4/97 re: presence at administrative budget presentations of school department heads. DISPOSITION: Received & Filed
- 544. Planning Board to Town Board -
Minutes from meeting held 8/6/97. DISPOSITION: Received & Filed
- 545. Planning Board to Town Board -
Recommend approval, with conditions, of Good Earth Organics site plan. DISPOSITION: Received & Filed
- 546. Planning Board to Town Board -
Recommend approval, with conditions, of No Bull Oil Change site plan. DISPOSITION: Received & Filed
- 547. Planning Board to Town Board -
Recommend approval of Trentwood Trail Subdivision sketch plan. DISPOSITION: Received & Filed
- 548. Planning Board to Town Board -
Recommend approval, with conditions, of National Tire & Battery site plan. DISPOSITION: Received & Filed
- 549. Town Engineer and Building Inspector to Town Board -
Recommend approval, with conditions, of dumping permit application of Martin Rothschild for premises situate on Bowen Rd. DISPOSITION: Received & Filed
- 550. Police Chief to Planning Board -
Approval of Hollywood Video site plan. DISPOSITION: Received & Filed

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551. Town Clerk to Town Board -
Transmittal of special use permit of Mr. Oil Change. DISPOSITION: Received & Filed
552. Council Member Montour to Elizabeth Krzemien, 322 Enchanted Forest North -
Notice that grading situation affecting the lot to real of property will be rectified.
DISPOSITION: Received & Filed
553. Council Member Montour to Highway Supt. -
Request examination of drainage at Scajaquada Creek/Stony Road and apprise Town Engineer
in reference to cleaning up this drainage area. DISPOSITION: Town Engineer
554. Twin District VFC to Town Clerk -
Notification of acceptance of applicants to membership roster. DISPOSITION: Received &
Filed
555. Town Engineer to Town Board -
Recommend acceptance of pavement and curbs, water line and storm sewer public
improvements within Queen's Park Subdivision. DISPOSITION = Received & Filed
556. Council Member Montour to Department Heads -
Request Supervisor's Office be provided with list of services shared with adjacent
communities along with suggestions as to ways to realize further savings from increased use
from such cooperative services. DISPOSITION: Supervisor
557. Village of Lancaster CD Director Baccari to Various Officials and Businesses -
Notice of meeting date re: Taste of Lancaster to be held 9/16/97. DISPOSITION: Received &
Filed
558. Morris, Cantor, Barnes, Goodman & Furlong to Town Clerk -
Request copies of correspondence re: actions of Buffalo Building Trades in Hillview Estates
area. DISPOSITION: Supervisor, Town Attorney, Town Clerk
559. Town of Hamburg Attorney and Assessor to Town Attorney -
Notice of meeting date change re: defense of Article 7 Proceedings to 9/9/97 at Hamburg Town
Hall. DISPOSITION: Received & Filed
560. Cohen & Lombardo, P.C. To Town Engineer -
Request data re: M/M William Abbatoy drainage problem. DISPOSITION: Town Attorney,
Town Engineer
561. LIDA to Various Officials -
Notice of public hearing to be held 8/28/97 at the Lancaster Public Library, Depew Branch, re:
request for increased bond amount for THE UNILAND PARTNERSHIP, L.P. 3332 WALDEN
AVENUE PROJECT. DISPOSITION: Received & Filed
562. County Executive Gorski to Supervisor -
Request comments re: proposed Erie County's participation in September 1997 experimental
period of removing sales tax on clothing costing less than \$100. DISPOSITION: Received &
Filed
563. WNY Developmental Disabilities Services Office to Supervisor -
Notice that 40 day period for review of establishment of a community residential facility
situate at 81 Steinfeldt Rd. Has elapsed. DISPOSITION: Received & Filed
564. FEMA to Supervisor -
Comments re: FNIP map. DISPOSITION: Received & Filed
565. M/M George Johnson, 277 Ransom Rd., to Town Board -
Transmittal of petition to reduce speed limit on Ransom Rd. DISPOSITION: Public Safety,
Police Chief

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER GIZA AND SECONDED BY THE ENTIRE TOWN
BOARD AND CARRIED, the meeting was adjourned at 9:40 P.M. in memory of:

HENRY GIZA



Robert P. Thill, Town Clerk